

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LORILEA IDDINGS,
Plaintiff,

SCHEDULING ORDER
12-CV-6403

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security
Defendant.

Currently pending before the Court is plaintiff's motion for attorney fees pursuant to 42 U.S.C. § 406(b)(1). (Docket # 20). Counsel has previously been awarded a total of \$8,507.50 in attorneys fees for representation in this case, pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d).

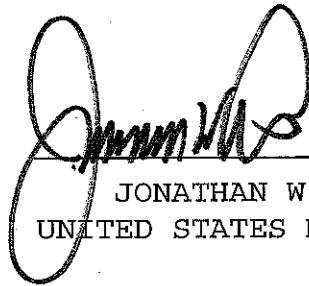
In determining reasonable attorneys fees, a court should look first to the contingent-fee agreement, and then test for reasonableness based on the character of the representation and the results the representative achieved. See Gisbrecht v. Barnhart, 535 U.S. 789, 808 (2002). The Second Circuit has identified the following factors for a court to consider in determining the reasonableness of a contingent-fee arrangement: (1) whether the amount requested exceeds the statutory 25% cap; (2) whether there was fraud or overreaching in the making of the agreement; and (3) whether the requested amount is so large as to be a windfall to the attorney. Id.; see also Wells v. Sullivan, 907 F.2d 367, 372 (2d Cir. 1990). Weighing these

factors in the instant case, and based on counsels' submissions, the Court finds plaintiff's 25% contingency fee to be reasonable. It is therefore

ORDERED that the application for attorneys fees of \$13,438.75 be granted to plaintiff's counsel. This fee will be made directly to plaintiff's attorney, Mark M. McDonald; and it is further

ORDERED that plaintiff's counsel shall pay to plaintiff \$8,507.50, the amount of the prior EAJA awards, within **one (1) week** of receiving the attorneys fees from the Social Security Administration pursuant to this Order.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'Jonathan W. Feldman', is written over a horizontal line.

JONATHAN W. FELDMAN
UNITED STATES MAGISTRATE JUDGE

Dated: June 27, 2016
Rochester, New York